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Attention: Laurie Duarte
General Services Administration
FAR Secretariat (MVP)
1800 F Street, N.W. Room 4035
Washington, DC 20405

To Laurie Duarte:

ProEnglish is a national non-profit organization of concerned citizens, seeking to preserve English as our common language, and make it the official language of government. ProEnglish receives no government funding, but many of our members work, either as employees or principals for organizations that do, and so they will be impacted by these regulations. Our public interest experience gives us insight into the willingness of the government to act coercively, and ideologically beyond the scope of law. Therefore, I am writing to urge you to rescind the Federal Acquisition Regulations (FAR) Responsibility Requirement, which mandates that the government contract only "responsible" sources.

To be found "responsible," a source must have an "affirmative determination" of a "satisfactory record of integrity and business ethics," or else face "de facto debarment," elsewhere known as "blacklisting." We find this determination of responsibility to be unacceptably subjective, which allows the application of these regulations to be arbitrary, coercive, anticompetitive and politically motivated.

The Equal Employment Opportunity Commission (EEOC) provides an excellent example. *Spun Steak Co.* was sued by the EEOC for implementing an English language workplace rule *to prevent a racially hostile environment!* The 9th district court of appeals struck down the EEOC's guidelines, as did the 4th district, which found that the guidelines contradicted in plain terms the statute it purports to interpret. Repeatedly, courts have upheld that businesses may implement English-language workplace rules when there is a sound business justification. Yet the EEOC continues to harass and sue businesses for such "language discrimination." This activism is particularly unsettling, since the FAR determinations can consider input from outside groups, complaints made by agencies, even before they have been adjudicated, and findings of unsatisfactory work practices which have not even yielded official complaints.

When faced with conflicting and vague regulations, many companies simply do their best to comply, considering any unavoidable penalties to be a cost of doing business. These FARs would give bureaucrats an unreasonable power that could punish law-abiding sources. If penalties are not strong enough to prevent illegal activities, let Congress pass stronger penalties for those practices; giving bureaucrats the power to "blacklist" sources is unacceptable.

Sincerely,

K.C. McAlpin
Executive Director

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